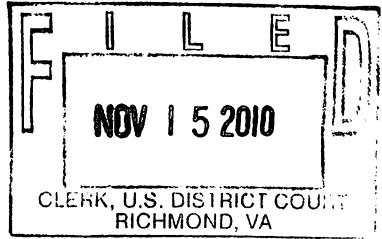


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

JEREMY L. TYLER,



Petitioner,

v.

CIVIL ACTION NO. 3:10CV445

COMMONWEALTH OF VIRGINIA,

Respondent.

MEMORANDUM OPINION

Petitioner, proceeding pro se, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By Memorandum Order on September 13, 2010, the Court directed Petitioner to pay the \$5.00 filing fee within fifteen (15) days of the date of entry thereof or explain any special circumstances that justify excusing the payment. More than fifteen (15) days have passed and Petitioner has failed to pay the assessed fee or adequately explain any special circumstances warranting excuse from payment. Accordingly, the petition will be DISMISSED WITHOUT PREJUDICE. The Court will DENY a certificate of appealability.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion to Petitioner.

An appropriate Order shall issue.

/s/

REP

Robert E. Payne
Senior United States District Judge

Dated: November 12, 2010
Richmond, Virginia